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In the United States Patent and Trademark Office

Applicant: Crump, et. al.

Docket  
No.: BAL-66-CON

Serial  
No.: 09/716,486

Group: 3761

Filed: November 20, 2000

Examiner: Joseph Weiss, Jr.

For: RESPIRATORY SUCTION  
CATHETER APPARATUS WITH  
IMPROVED VALVE AND  
COLLAR

Date: August 7, 2002

**Terminal Disclaimer**

COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

RECEIVED  
SEP 13 2002  
TECHNOLOGY CENTER R3701

Sir:

**The Present Application**

Ballard Medical Products, doing business at 12050 Lone Peak Parkway, Draper, Utah, 84020, is the assignee of the entire right, title and interest in and to the above-referenced present pending U.S. patent application serial number 09/716,486 filed on November 20, 2000 for "Respiratory Suction Catheter Apparatus with Improved Valve and Collar".

1. Assignment of the inventor's rights in present patent application serial number 09/716,486 to Ballard Medical Products is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 9628, Frame 0566.

**Commonly Assigned Patent**

Ballard Medical Products is also the assignee of the entire right, title and interest in and to U.S. patent number 6,227,200 issued on May 8, 2001 for "Respiratory Suction Catheter Apparatus."

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Assignment of the Inventor's rights in U.S. patent number 6,227,200 to Ballard Medical Products is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 9628 Frame 0566.

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**Right of Assignee to Prosecute**

Ballard Medical Products certifies:

- (a) that the evidentiary documents have been reviewed; and
  - (b) that to the best of Ballard Medical Product's knowledge and belief, title of present U.S. patent application serial number 09/716,486 is in Ballard Medical Products.
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**Provisional Terminal Disclaimer**

Ballard Medical Products hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present U.S. patent application serial number 09/716,486, which would extend beyond the expiration date of the full statutory term, including any applicable term extension, defined in 35 U.S.C. 154 and 156 for U.S. patent number 6,227,200.

Ballard Medical Products hereby agrees that any patent granted upon present U.S. patent application serial number 09/716,486 shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to U.S. patent number 6,227,200. This agreement shall run with any patent granted upon present U.S. patent application serial number 09/716,486 and shall be binding upon Ballard Medical Products, its successors and/or assigns.

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**Exception to Terminal Disclaimer**

In the event that, after the filing of this Terminal Disclaimer, U.S. patent number 6,227,200:

- (a) expires for failure to pay a maintenance fee;
- (b) is held unenforceable;
- (c) is found invalid by a court of competent jurisdiction;
- (d) is statutorily disclaimed in whole;
- (e) is terminally disclaimed under 37 C.F.R. 1.321(a);
- (f) has all of its claims canceled in a reexamination certificate; or
- (g) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. 154 prior to the expiration of its full statutory term;

Ballard Medical Products specifically does not disclaim any terminal part of any patent granted on the present U.S. patent application serial number 09/716,486 prior to the expiration date of the term defined in 35 U.S.C. 154 and 156, including any term extensions, as applicable to any patent granted on U.S. patent number 6,227,200.

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**Fee**

Pursuant to 37 C.F.R. 1.321(c)(1), please charge the \$110.00 fee due in accordance with 37 C.F.R. 1.20(d) to Kimberly-Clark Worldwide Inc.'s deposit account number 11-0875. This Terminal Disclaimer is filed in duplicate.

Respectfully submitted,

KIMBERLY-CLARK WORLDWIDE, INC.

BY: 

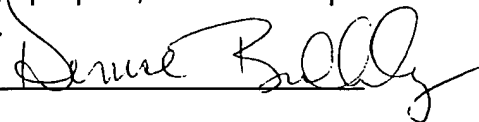
BY: Douglas L. Miller

Title: Attorney of Record

Date: August 23, 2002

**CERTIFICATE OF MAILING**

I, Denise Bulkeley, hereby certify that on August 30, 2002 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

By: 

By: \_\_\_\_\_